

DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS

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March 26, 2004

DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS

**Amendment of Sections 9846, 10125, and 10564, and
Adoption of Chapter 8 (commencing with Section 13000), Division 4, Title 9,
California Code of Regulations**

Notice of Public Hearing

On February 13, 2004, the California Department of Alcohol and Drug Programs (the Department) provided notice that it proposes to adopt regulations requiring certification for all individuals providing counseling services in alcohol or other drug (AOD) programs. These regulations will be contained in Chapter 8 (commencing with Section 13000), Division 4, Title 9, California Code of Regulations (CCR). Notice is hereby given that the Department will hold a public hearing to accept oral testimony regarding the proposed regulations. Notice is also given that the public comment period will be extended until 5 pm on April 2, 2004.

DATE AND LOCATION OF PUBLIC HEARING:

The public hearing will be held at on Friday, April 2, 2004 in the first floor auditorium at 744 P Street, Sacramento, CA 95814. The public hearing will begin promptly at 2 pm and will end at 5 pm.

SCOPE OF PUBLIC HEARING:

So that everyone wishing to present oral testimony will have a chance to speak, the Department requests that you limit your oral testimony to five minutes per person. To maximize the number of individuals providing oral testimony, no opportunity will be given during the public hearing for dialogue with the Department or with other commentators. The Department will summarize and respond to each comment in writing in the final statement of reasons portion of the rulemaking file, which will be available on the Department's website <http://www.adp.ca.gov> at the end of the rulemaking process. The Department's website will also contain a copy of the final regulations as filed with the Secretary of State.

Please note that it is not necessary for you to appear at the public hearing in order to provide testimony on the proposed regulations. Oral and written testimony will be given equal consideration. Any interested person or his authorized representative may submit written testimony on the proposed regulatory action by sending them to Mary Conway, Regulations Coordinator, Department of Alcohol and Drug Programs, 1700 K Street, Sacramento, CA 95814. Written testimony may also be submitted by fax at



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(915) 323-5873, by e-mail at <mailto:MCONWAY@ADP.STATE.CA.US>, or by giving such testimony to the hearing officer at the public hearing. Written testimony will be accepted through 5 pm on April 2, 2004, which will be the end of the public comment period. Please submit any written comments before that time. The Department cannot accept written comments after the close of the public comment period.

SCOPE OF TESTIMONY:

In either oral or written testimony, please identify the subject and section number of the regulation you wish to address. Please specify how you wish the regulation to be amended. If you present oral testimony, although you are not required to do so, the Department requests that you provide the hearing officer with a written copy of your testimony so that the Department may fully understand and give thorough consideration to your testimony.

Section 11346.8(c) of the Government Code prohibits the Department from making any changes to the text of a noticed regulation after the public hearing, unless the change was so sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed action. Therefore please make your comments specific to the regulation discussed in this notice. During the public comment period for this regulatory action the Department cannot consider changes to sections of regulation which were not part of the regulations noticed in this regulatory action.

CONSIDERATION OF ALTERNATIVES:

Pursuant to Section 11346.5(a)(13) of the Government Code, the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which this regulatory action was taken. The Department must also determine that no alternative would be as effective and less burdensome to affected private persons than the regulatory action taken. The Department will consider any alternatives presented during the public comment period.

ADDITIONAL CHANGES:

The Department may modify the proposed regulation in response to testimony received during the 45-day public comment period, so long as any additional changes made are sufficiently related to the proposed regulatory action and within the scope of this notice. The Department will make available to any interested persons, for at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation, the full text of any regulation which is changed or modified from the express terms to this regulatory action. The Department will mail a copy of the additional changes to any person who provided oral or written testimony or provided oral testimony or who requested copies of additional changes. Please call the Department's regulations coordinator at (916) 327-4742 if you wish to receive a copy of any additional changes and you do not plan to present comments regarding the proposed regulatory action.